

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 246

Citations Affected: IC 5-2-5-13.

Synopsis: Child care providers. Conference committee report for ESB 246. Prohibits the state police department from charging a fee for a limited criminal history record requested by a community mental retardation and other developmental disabilities center or by a supervised group living facility. Prohibits reimbursement through the federal Child Care and Development Fund (CCDF) voucher program and licensure of certain child care providers based on criminal histories of providers, employees, volunteers, and household members. Permits a voucher agent access to the child abuse registry for use in determinations of eligibility for voucher payments. Requires a child care provider to submit drug testing results to determine eligibility for voucher payments. Provides for administrative review of an action taken under the law concerning eligibility for CCDF voucher payments. Prohibits voucher payments or licensure for a child care provider: (1) convicted of operating a child care home or child care center without a license; or (2) determined to have previously operated a child care home or child care center without a license. Makes technical changes. (This conference committee report: (1) prohibits the state police department from charging a fee for a limited criminal history record requested by a community mental retardation and other developmental disabilities center or by a supervised group living facility; (2) removes provisions concerning minimum standards for CCDF reimbursement; (3) removes provisions concerning criminal penalties for reckless supervision of a child; and (4) makes technical changes.)

Effective: July 1, 2002.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 246 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-2-5-13, AS AMENDED BY P.L.272-2001,
- 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2002]: Sec. 13. (a) The department may not charge a fee for
- 6 responding to a request for the release of a limited criminal history
- 7 record if the request is made by a nonprofit organization: ~~that~~
- 8 (1) ~~that~~ has been in existence for at least ten (10) years; and
- 9 (2) ~~either that:~~
- 10 (A) has a primary purpose of providing an individual
- 11 relationship for a child with an adult volunteer if the request is
- 12 made as part of a background investigation of a prospective adult
- 13 volunteer for the organization; ~~or~~
- 14 (B) is a home health agency licensed under IC 16-27-1;
- 15 (C) is a community mental retardation and other
- 16 developmental disabilities center (as defined in
- 17 IC 12-7-2-39); or
- 18 (D) is a supervised group living facility licensed under
- 19 IC 12-28-5.
- 20 (b) The department may not charge a fee for responding to a request
- 21 for the release of a limited criminal history record made by the division
- 22 of family and children or a county office of family and children if the

request is made as part of a background investigation of an applicant for a license under IC 12-17.2 or IC 12-17.4.

(c) The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made by a school corporation, special education cooperative, or non-public school (as defined in IC 20-10.1-1-3) as part of a background investigation of an employee or adult volunteer for the school corporation, special education cooperative, or non-public school."

Page 2, delete lines 16 through 42.

Page 3, delete lines 1 through 32.

Page 5, line 30, delete "IC 12-17.2-4-35;" and insert "**section 35 of this chapter;**".

Page 5, line 38, delete "IC 12-17.2-4-35;" and insert "**section 35 of this chapter;**".

Page 6, line 17, delete "IC 12-17.2-4-35." and insert "**section 35 of this chapter.**".

Page 6, line 27, delete "IC 12-17.2-4-35;" and insert "**this chapter;**".

Page 6, line 29, delete "IC 12-17.2-5-35." and insert "**IC 12-17.2-5.**".

Page 7, line 5, delete "IC 12-17.2-4-35." and insert "**section 35 of this chapter.**".

Page 7, line 12, delete "applicant" and insert "**licensee**".

Page 7, line 15, delete "IC 12-17.2-4-35;" and insert "**this chapter;**".

Page 7, line 17, delete "IC 12-17.2-5-35." and insert "**IC 12-17.2-5.**".

Page 7, line 40, delete "IC 12-17.2-5-35;" and insert "**section 35 of this chapter;**".

Page 8, line 6, delete "IC 12-17.2-5-35;" and insert "**section 35 of this chapter;**".

Page 8, delete lines 12 through 16, begin a new line block indented and insert:

"(1) Conduct a criminal history check of the applicant's:

(A) employees;

(B) volunteers; and

(C) ~~all~~ household members who are:

(i) at least eighteen (18) years of age; or

(ii) **less than eighteen (18) years of age but have previously been waived from juvenile court to adult court.**"

Page 8, line 32, delete "IC 12-17.2-5-35." and insert "**section 35 of this chapter.**".

Page 8, line 40, delete "IC 12-17.2-4-35;" and insert "**IC 12-17.2-4;**".

Page 8, line 42, delete "IC 12-17.2-5-35." and insert "**this chapter.**".

Page 9, line 26, delete "IC 12-17.2-5-35." and insert "**section 35 of this chapter.**".

Page 9, line 31, delete "applicant" and insert "**licensee**".

Page 9, line 34, delete "IC 12-17.2-4-35;" and insert "**IC 12-17.2-4;**".

Page 9, line 36, delete "IC 12-17.2-5-35." and insert "**this chapter.**".

Page 11, delete lines 35 through 42.

Delete page 12.

Renumber all SECTIONS consecutively.

(Reference is to ESB 246 as reprinted February 26, 2002.)

Conference Committee Report
on
Engrossed Senate Bill 246

Signed by:

Senator Lawson C
Chairperson

Representative Crawford

Senator Breaux

Representative Budak

Senate Conferees

House Conferees